

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ABRAHAM CRUZADO,

Plaintiff,

vs.

DARREN BAKER et al.,

Defendants.

3:11-cv-00522-RCJ-WGC

ORDER

This is a prisoner civil rights case. After the U.S. Marshal's Office ("USMO") returned the Summons upon Defendant Robert Martinez unexecuted (because the address was vacant), Plaintiff asked the magistrate judge to enter default against Martinez for failure to answer or otherwise defend within twenty days of the failed service. The magistrate judge denied the motion, explaining that the twenty-day clock ran from the time of service, and there was no evidence Martinez had been served. Plaintiff has asked the Court to reverse the magistrate judge under Rule 72(a). The Court denies the motion. Plaintiff has neither alleged nor attached evidence tending to prove that Martinez has been served. There is no basis to enter default against him.

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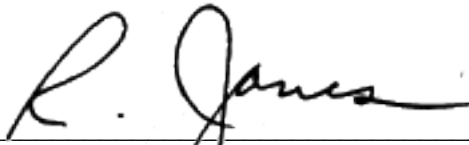
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CONCLUSION

IT IS HEREBY ORDERED that the Motion for District Judge to Reconsider (ECF No. 46) is DENIED.

IT IS SO ORDERED.

Dated this 11th day of March, 2013.



ROBERT C. JONES
United States District Judge